

Commissioner for Patents
P.O.Box1450
Alexandria, VA 22313-1450

STATEMENT FILED PURSUANT TO THE DUTY OF
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

PART I: Compliance with 37 C.F.R. §1.97

(Select A, B, C or D below)

A. This Information Disclosure Statement has been filed

(check 1, 2, 3 and/or 4 below)

1. within three months of the filing date of a National Application other than a continued prosecution application under 37 C.F.R. §1.53(d).
2. within three months of the filing date of the entry of the National Stage, as set forth in 37 C.F.R. §1.491, in an International application.
3. before the mailing date of a first Office Action on the merits in the above-identified case.
4. before the mailing of a first Office Action after the filing of a request for continued examination under 37 C.F.R. §1.114.

No fee or certification is required.

B. This Information Disclosure Statement has been filed more than three months after the filing date of this application and after the mailing date of the first Office Action, but before the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311, or an action that otherwise closes prosecution in this application.

(check 1 or 2 below)

1. The fee of \$ as set forth in 37 C.F.R. §1.17(p) is enclosed.
2. The Applicant hereby states, as specified in 37 C.F.R. §1.97(e), that

(check a or b below)

- a. each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement. No fee is required; or

b. no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign Patent Office in a counterpart for this application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement. No fee is required.

C. This Information Disclosure Statement has been filed after the mailing date of either a final action under 37 C.F.R. §1.113 or a Notice of Allowance under 37 C.F.R. §1.311 and is being filed on or before payment of an Issue Fee.

1. The Applicant hereby states, as specified in 37 C.F.R. §1.97(e), that:

(check a or b below)

a. each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign Patent Office in a counterpart for this application not more than three months prior to the filing of this Statement.

b. no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent Office in a counterpart for this application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Statement.

2. The IDS processing fee of \$ as set forth in 37 C.F.R. §1.17(p) is enclosed.

PART II: Compliance with 37 CFR §1.704(d)

Each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart application and this communication was not received by the office of the undersigned more than 30 days prior to filing of this Information Disclosure Statement.

PART III: Information Cited

A. The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

B. [] The Applicant hereby makes the following additional information of record in the above-identified application.

1. [] The above-identified U.S. application claims priority to application Serial No. PCT/USxx/xxxxx. If the Examiner has not had the benefit of review of the file history of PCT/Usxx/xxxxx, then he/she is asked to contact the undersigned, who will provide a copy of same.
2. [X] The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application:

<u>Serial No.</u>	<u>Filing Date</u>	<u>Inventor(s)</u>
10/229,152	08/27/2002	L. Dandurand

[NOTE TO PRACTITIONERS - Must provide a copy of any pending U.S. application, even if it was previously submitted to or cited by the U.S. Patent Office in an earlier application, unless the earlier application is identified herein and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

3. [X] The Applicant would like to bring to the Examiner's attention the enclosed search report from a corresponding International or Foreign National Application.
4. [] The applicant would like to bring to the Examiner's attention the following other information, whose relevance is discussed in Part IV below:

PART IV: Explanation of Non-English Language References and Remarks Concerning Other Information Cited

The following is a concise explanation of the relevance of each non-English language reference listed on the attached form PTO-1449 (modified):

The following are remarks concerning the other information cited:

PART V: Remarks

A copy of any document cited anywhere in the Information Disclosure Statement is enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;
3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his or her own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,
Louis Dandurand

By: 

David M. Driscoll, Reg. No. 25,075
1201 Canton Avenue
Milton, MA 02186

Docket No. Dandurand 2

Date: 3-9-04

FORM PTO-1449/A and B (Modified) INFORMATION DISCLOSURE STATEMENT BY APPLICANT				APPLICATION NO.: unknown	ATTY. DOCKET NO.:Dandurand 2
				FILING DATE:	
				APPLICANT: Louis Dandurand	
				Sheet	1

U.S. PATENT DOCUMENTS

Examiner's Initials #	Cite No.	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication or of issue of Cited Document MM-DD-YY
		Number	Kind Code		
		4,917,399		Holzl, Klaus	4-17-90

FOREIGN PATENT DOCUMENTS

Examiner's Initials #	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document (not necessary)	Date of Publication of Cited Document MM-DD-YY	Translation (Y/N)
		Office/ Country	Number	Kind Code			
		AT	386127B		Tyrolia	7-11-88	
		EP	0176951A		TMC Corp.	4-9-86	
		DE	2906520A		Brueckl, Franz	8-28-80	
		AT	375835B		Karl Pittl Ohg	9-10-84	

OTHER ART — NON PATENT LITERATURE DOCUMENTS

Examiner's Initials #	Cite No	Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published.	Translation (Y/N)

EXAMINER
DATE CONSIDERED

#EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

*a copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. _____, filed _____, and relied upon for an earlier filing date under 35 U.S.C. 120 (continuation, continuation-in-part, and divisional applications).

[NOTE - Must provide a copy of any patent, publication, other information listed, even if it was previously submitted to, or cited by, the U.S. Patent Office in an earlier application, unless the earlier application is identified by the IDS and is relied upon for an earlier filing date under 35 U.S.C. §120, and the copy was provided in the earlier application.]

*****The foregoing list of patents is not being provided as they have been cited in the parent application Serial No. 10/229,152 file August 27, 2002.*****